

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                           |   |                            |
|---------------------------|---|----------------------------|
| DOUGLAS GANGLOFF          | : |                            |
| 674 Wendover Street       | : |                            |
| Philadelphia, PA 19128    | : | <b>CIVIL ACTION</b>        |
| Plaintiff,                | : |                            |
| v.                        | : | <b>No.:</b>                |
| FERMANAGH CORPORATION     | : |                            |
| 1438 Beaver Hill Road     | : | <b>JURY TRIAL DEMANDED</b> |
| Chester Springs, PA 19425 | : |                            |
| and                       | : |                            |
| EDWARD OWENS              | : |                            |
| 1438 Beaver Hill Road     | : |                            |
| Chester Springs, PA 19425 | : |                            |
| Defendants.               | : |                            |

**CIVIL ACTION COMPLAINT**

Plaintiff, Douglas Gangloff (hereinafter referred to as "Plaintiff"), by and through his undersigned counsel, hereby avers as follows:

**I.        Introduction**

1. Plaintiff has initiated this action to redress violations by Defendants of the Fair Labor Standards Act ("FLSA - 29 U.S.C. § 201 *et. seq.*) and applicable state law(s). As a direct consequence of Defendants' unlawful actions, Plaintiff seeks damages as set forth herein.

**II.      Jurisdiction and Venue**

2. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the claims arise under the laws of the United States. This Court has supplemental jurisdiction over Plaintiff's state law claims because they arise out of the same circumstances and are based upon a common nucleus of operative fact.

3. This Court may properly maintain personal jurisdiction over Defendants because their contacts with this state and this judicial district are sufficient for the exercise of jurisdiction in order to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945) and its progeny.

4. Venue is properly laid in this District pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), because Defendants reside in and/or conduct business in this judicial district and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

### **III. Parties**

5. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

6. Plaintiff is an adult individual with an address as set forth above.

7. Defendant Fermanagh Corporation (*hereinafter* “Defendant Corp”) is a private company, incorporated in the Commonwealth of Pennsylvania and established in or about 1994, providing underground construction (and utility installation) services primarily in Pennsylvania, Delaware, New Jersey and New York.

8. Defendant Edward Owens (*hereinafter* “Defendant Owens”) is the President, owner and primary operations manager of Defendant Corp.

9. At all times relevant herein, Defendants acted by and through their agents, servants, and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for the benefit of Defendants.

**IV. Factual Background**

10. The foregoing paragraphs are incorporated herein as if set forth in full.
11. Plaintiff in total was employed with Defendants for approximately six (6) months.
12. Defendant Corp employs between 10-20 employees depending upon contracts established and time of year.
13. Plaintiff's job title was at all times laborer (spelled incorrectly on his pay stubs as "laboror"). He was hired as and worked as a full-time employee.
14. Plaintiff is a non-salaried employee paid at a rate of \$18.75 per hour as reflected in his pay stub.
15. Defendants internally manage their own payroll, and they issue their company checks through Defendant Corp to employees.
16. The highest level of management within Defendant Corp is Defendant Owens who oversees operations, assignments, contracts, payroll, and terms and conditions of employment for such people as Plaintiff.
17. Defendants systematically and knowingly violate state and federal law(s) with respect to handling wage and overtime compensation. More specifically:
  - (a) Defendants have refused to pay overtime compensation;
  - (b) Plaintiff often worked 50-60 hour workweeks, and despite same, is paid for working no more than 40 hours per week (constituting both wage and overtime violations); and

(c) In the rare instances when Plaintiff worked less than 40 hours in a week during his tenure (i.e. due to inclement weather making ground construction impossible), Plaintiff has been paid for working less than 40 hours.<sup>1</sup>

18. Plaintiff's typical workday (at least 5 days per week) has been 10-15 hour workdays. The labor he performed for Defendants primarily consisted of ditch digging.

19. Plaintiff performed only non-exempt work, as he does not hold any certifications, has no specialized training, only has a high-school degree, and exclusively worked as a physical laborer for Defendants.

20. At a time and one-half rate that Plaintiff should have been paid (\$28.13), Plaintiff is owed (by way of approximate and estimation) in excess of \$8,000.00 in unpaid wage and overtime compensation.

21. Plaintiff also repeatedly complained about overtime violations and his entitlement to overtime compensation, but Defendants instead continued to perpetuate their non-payment of state and federally-mandated compensation. Liquidated damages should "automatically" be awarded doubling Plaintiff's unpaid overtime compensation.<sup>2</sup>

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<sup>1</sup> Plaintiff has normally worked over 40 hours per week (and often during poor weather conditions without time off from work).

<sup>2</sup> See e.g. *Solis v. Min Fang Yang*, 345 Fed. Appx. 35 (6th Cir. 2009)(Affirming award of liquidated damages explaining "under the Act, liquidated damages are compensation, not a penalty or punishment, and no special showing is necessary for the awarding of such damages. Rather, they are considered the norm and have even been referred to by this court as mandatory."); *Gayle v. Harry's Nurses Registry, Inc.*, 594 Fed. Appx. 714, 718 (2d Cir. 2014)(Affirming award of liquidated damages explaining there is an automatic "presumption" of liquidated damages and "double damages are the norm, single damages the exception," as the burden to avoid liquidated damages is a "difficult burden."); *Haro v. City of Los Angeles*, 745 F.3d 1249 (9th Cir. 2014)(Affirming award of liquidated damages explaining they are the "norm" and "mandatory" unless the employer can establish the very "difficult burden" of subjective and objective attempts at FLSA compliance); *Chao v. Barbeque Ventures, LLC*, 547 F.3d 938, 942 (8th Cir. 2008)(Affirming award of liquidated damages explaining that the employer mistakenly argues its non-compliance was not willful, misunderstanding the high burden to show affirmative steps of attempted compliance and research of the FLSA and separately that its diligence and belief in non-payment of overtime was also objectively reasonable.); *Chao v. Hotel Oasis, Inc.*, 493 F.3d 26 (1st Cir. 2007)(Affirming award of liquidated damages explaining that they will always be considered the "norm" in FLSA cases); *Lockwood v. Prince George's County*, 2000 U.S. App. LEXIS 15302 (4th Cir. 2000)(Affirming award of liquidated damages explaining they are the "norm" and that an employer may not take an ostrich-like approach and refuse to research its obligations under the FLSA and to objectively explain why it failed to comply with the FLSA); *Uphoff v. Elegant Bath, Ltd.*, 176 F.3d 399 (7th Cir. 1999)(Reversing the district court for not awarding liquidated damages, as doubling unpaid overtime is the rule, not an exception); *Nero v. Industrial Molding Corp.*, 167 F.3d 921 (5th Cir. 1999)(Affirming award of liquidated damages, as there is a presumption of entitlement to liquidated damages which are the norm).

22. Following Plaintiff's most recent complaints of non-payment of overtime because he was working so many hours, Plaintiff has been stonewalled, refused scheduling, and given no response to if or when he may return to work (effective the first week of February 2017).

23. Plaintiff's retaliatory removal from work, non-assignment of hours, and actual or constructive termination constitutes unlawful retaliation under the Fair Labor Standards Act ("FLSA").

**Count I**  
**Violations of the Fair Labor Standards Act ("FLSA")**  
**(Failure to Pay Overtime Wages)**  
**- Against Both Defendants -**

24. The foregoing paragraphs are incorporated herein as if set forth in full.

25. At all times relevant herein, Defendants, are and continue to be, an "employer" within the meaning of the FLSA.

26. At all times relevant herein, Plaintiff was an "employee" within the meaning of the FLSA.

27. The FLSA requires covered employers, such as Defendants, to minimally compensate their "non-exempt" employees, such as Plaintiff, at a rate of 1.5 times the employee's regular rate of pay for each overtime hour that the employee works (*i.e.* hours in excess of 40 hours in a workweek).

28. At all times during his employment with Defendants, Plaintiff was a "non-exempt" employee within the meaning of the FLSA.

29. Defendants knew that Plaintiff was a "non-exempt" employee within the meaning of the FLSA.

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30. Defendant failed to pay Plaintiff 1.5 times Plaintiff's regular rate of pay for each hour that he worked over 40 each workweek.

31. As a result of Defendants' failure to pay Plaintiff the overtime compensation due him, Defendants violated the FLSA and caused Plaintiff to suffer damages in the form of unpaid overtime compensation.

32. Defendant Owens is personally liable as he directly failed to properly compensate employees such as Plaintiff.<sup>3</sup>

**Count II**  
**Violations of the Fair Labor Standards Act ("FLSA")**  
**(Retaliation)**  
**- Against Both Defendants -**

33. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

34. Plaintiff expressly complained to all levels of management about non-payment of his wages and overtime pay (primarily toward the end of his tenure with Defendants).

35. Defendants retaliated against Plaintiff by removing him from the schedule, not permitting him to continue working on his last day, refusing to rescheduling Plaintiff and/or by constructively or actually terminating Plaintiff by failing to communicate with Plaintiff notwithstanding Plaintiff's efforts to resume working.

36. Any retaliation against Plaintiff for exercising his statutory rights to complain of unpaid overtime was *per se* unlawful. See *Kasten v. Saint-Gobain Performance Plastics Corp.*,

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<sup>3</sup> "[A]n individual is subject to liability when he or she exercises supervisory authority over the complaining employee and was responsible in whole or part for the alleged violation while acting in the employer's interest." *White v. Eberle & Bci Servs.*, 2013 U.S. Dist. LEXIS 7542 (D.N.J. 2013); see also *Narodetsky v. Cardone Indus., Inc.*, 2010 U.S. Dist. LEXIS 16133, 2010 WL 678288 (E.D. Pa. 2010)(management may be individually liable under the FLSA for involvement in payroll and/or adverse actions with employment).

563 U.S. 1, 131 S. Ct. 1325, 179 L. Ed. 2d 379 (2011)(it is illegal under the FLSA to retaliate against an employee for verbal or written concerns of unpaid overtime compensation).

**Count III**

**Violations of the Pa MinWage Act and the Pa Wage and Collection Law(s)**  
**(Failure to Pay Overtime Wages and Base Hourly Wages)**  
**- Against Both Defendants -**

37. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

38. Defendant's Failure to pay actual wages or overtime wages when Plaintiff worked in excess of 40 hours per week constitutes violations of the PMWA and the PWCL.

**WHEREFORE**, Plaintiff prays that this Court enter an Order providing that:

A. Defendants are to compensate Plaintiff, reimburse Plaintiff and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendants' illegal actions, including but not limited to past lost earnings and any other owed compensation. Plaintiff should be accorded those benefits illegally withheld from the date he first suffered legal violations at the hands of Defendants until the date of verdict;

B. Plaintiff is to be awarded liquidated damages, as permitted by applicable law, in an amount determined by the Court or trier of fact to be appropriate to punish Defendants for their willful, deliberate, malicious and outrageous conduct and to deter Defendants or other employers from engaging in such misconduct in the future;

C. Plaintiff is to be accorded any and all other equitable and legal relief as the Court deems just, proper and appropriate, including but not limited to, emotional distress and/or pain and suffering damages (where legally permitted);

D. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;

E. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to the Plaintiff in light of the caps on certain damages set forth in applicable federal law; and

F. Plaintiff's claims are to receive trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

Respectfully submitted,

**KARPF, KARPF & CERUTTI, P.C.**

By: 

Ari Karpf  
3331 Street Road  
Two Greenwood Square  
Suite 128  
Bensalem, PA 19020  
(215) 639-0801

Dated: February 8, 2017

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

**CIVIL ACTION**

|   |     |
|---|-----|
| Douglas Gangloff<br>v.<br>Fermanagh Corporation, et al. | NO. |
|---|-----|

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

|            |   |                      |
|------------|---|----------------------|
| Date       |  | Plaintiff            |
| 2/8/2017   | Attorney-at-law   | Attorney for         |
| Telephone  | (215) 639-0801  | E-Mail Address       |
|            | (215) 639-4970  | akarpf@karpf-law.com |
| FAX Number |   |                      |

## UNITED STATES DISTRICT COURT

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM** to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 674 Wendover Street, Philadelphia, PA 19128

Address of Defendant: 1438 Beaver Hill Road, Chester Springs, PA 19425

Place of Accident, Incident or Transaction: Defendants place of business

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

**CIVIL: (Place  in ONE CATEGORY ONLY)**

**A. Federal Question Cases:**

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases  
 (Please specify) \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases  
 (Please specify) \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(Check Appropriate Category)

I, Ari R. Karpf

counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 2/8/2017

ARK2484

Attorney I.D.# 91538

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 2/8/2017

ARK2484

Attorney I.D.# 91538

CIV. 609 (5/2012)

JS 44 (Rev. 12/12)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

|   |  |  |   |  |  |   |   |
|---|--|--|---|--|--|---|---|
| <b>I. (a) PLAINTIFFS</b><br><br>GANGLOFF, DOUGLAS   |  | <b>DEFENDANTS</b><br><br>FERMANAGH CORPORATION, ET AL.   |   |  |  |   |   |
| (b) County of Residence of First Listed Plaintiff <u>Philadelphia</u><br><br>(EXCEPT IN U.S. PLAINTIFF CASES)   |  | County of Residence of First Listed Defendant <u>Chester</u><br><br>(IN U.S. PLAINTIFF CASES ONLY)   |   |  |  |   |   |
| (c) Attorneys (Firm Name, Address, and Telephone Number)<br><br>Karpf, Karpf & Cerutti, P.C., 3331 Street Road, Two Greenwood Square, Suite 128, Bensalem, PA 19020, (215) 639-0801, akarpf@karpf-law.com   |  | NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.<br><br>Attorneys (If Known)  |   |  |  |   |   |
| <b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)   |  | <b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)   |   |  |  |   |   |
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff   | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) | Citizen of This State  | <input type="checkbox"/> 1 <input type="checkbox"/> DEF <input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4  |  |   |   |
| <input type="checkbox"/> 2 U.S. Government Defendant  | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   | Citizen of Another State   | <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State                                     | <input type="checkbox"/> 5 <input type="checkbox"/> 5  |  |   |   |
|   |  | Citizen or Subject of a Foreign Country  | <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6  |  |   |   |
| <b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)  |  |  |   |  |  |   |   |
| <b>CONTRACT</b>   |  | <b>TORTS</b>   |   | <b>FORFEITURE/PENALTY</b>  | <b>BANKRUPTCY</b>  |   |   |
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise |  | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice |   | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other   | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark          | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/ Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b>  |  | <b>CIVIL RIGHTS</b>  |   | <b>PRISONER PETITIONS</b>  |  |   |   |
| <input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  |  | <input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/ Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education   |   | <b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | <input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act | <b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g)) | <b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609  |
| <b>V. ORIGIN</b> (Place an "X" in One Box Only)   |  |  |   |  |  |   |   |
| <input checked="" type="checkbox"/> 1 Original Proceeding   | <input type="checkbox"/> 2 Removed from State Court                                  | <input type="checkbox"/> 3 Remanded from Appellate Court   | <input type="checkbox"/> 4 Reinstated or Reopened   | <input type="checkbox"/> 5 Transferred from Another District (specify)   | <input type="checkbox"/> 6 Multidistrict Litigation  |   |   |
| Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):<br><br>Fair Labor Standards Act "FLSA" (29USC201)  |  |  |   |  |  |   |   |
| Brief description of cause:<br><br>Violations of the FLSA and applicable state laws.  |  |  |   |  |  |   |   |
| <b>VI. CAUSE OF ACTION</b>  |  | <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.  |   | <b>DEMAND \$</b>   | CHECK YES only if demanded in complaint:<br><br>JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |   |   |
| <b>VII. REQUESTED IN COMPLAINT:</b>   |  |  |   |  |  |   |   |
| <b>VIII. RELATED CASE(S)</b><br>IF ANY  |  | (See instructions):  |   | JUDGE  | DOCKET NUMBER  |   |   |
| DATE  |  | 2/8/2017   |   | SIGNATURE OF ATTORNEY OF RECORD  |  |   |   |
| FOR OFFICE USE ONLY   |  |  |   |  |  |   |   |
| RECEIPT #   | AMOUNT   | APPLYING IFFP  | JUDGE   | MAG. JUDGE   |  |   |   |
| Print   |  | Save As...   |   |  | Reset  |   |   |